

THE BLOOMFIELD CITIZEN.

VOL. XXIV. NO. 1.

COSTLY LITIGATION

BETWEEN THE MOUNTAIN WATER COMPANY AND FACTORY OWNERS

Over the Right to Deplete the Water of Green Brook—Factory Owners Sustained by the Court—This Town Is in Imminent Danger of Similar Trouble.

Any town or private corporation venturing into the water supply business in this part of the State must take the greatest precaution to avoid long and costly litigation. In the first place, it is well nigh impossible to convey water in mains any great distance in Passaic and Essex counties without having to cross the mains and right of way of existing water companies, and if the new enterprise is to be competitive with prior companies there is going to be a big legal fight over right of way, and a new company is likely to be tied up in courts for years.

But the rivalry between water companies themselves is not the only danger of expensive and long-continued litigation. Water rights and privileges are highly valued in this part of the State, and any attempt to interfere with the same is promptly resented. It has been pointed out that a water supply scheme which this town is now being tempted to embark in is a hazardous undertaking on account of the dangers of litigation involved in it on just such questions of right of way and the trespassing upon vested rights in the stream. The case of the Mountain Water Company of Summit and Green brook is a fair sample of what may be expected if this town is enticed into making a contract for water with any concern that is dependent upon a contract for financial exploitation.

The Mountain Water Company of Summit erected wells along Green brook, the dividing stream between the counties of Union and Somerset, for the purpose of supplying water to the various towns in those two counties. The mill owners on the banks of the stream claimed that the power to run their mills was greatly curtailed in consequence, and they brought suit for damages. The matter has been in litigation for eight years, as the water company appealed the case every time it went against it. Viewed from a technical standpoint, it is claimed to be one of the most peculiar cases ever tried in New Jersey. So greatly did Green brook become reduced in its supply of water, which once furnished sufficient power to operate the mills, that it is now but a rivulet, and it has become necessary to run the plants by steam. The Mountain Water Company gets its supply from wells driven near the watershed on the Watchung mountains, and near the source of supply for Green brook. It is claimed that since the water company has been operating these wells the water which formerly flowed through Green brook has been drawn through the wells. Charles A. Reed, as counsel for the mill owners, has fought the case through the courts following each appeal, and the last court has now decided that the claim is established, and the defendants have asked for a commission to assess the damages due the plaintiffs.

In the early part of 1897 Loftus Hollingsworth, of the firm of Harper, Hollingsworth & Darby, manufacturers of hats at Scotch Plains, experienced much trouble in trying to run their plant with the water from Green brook, and they thought that some one must be responsible for lessening the flow of water in the stream, which once had water enough for all the plants along its course. He knew that the Mountain Water Company of Summit was furnishing water to its patrons from wells driven near the source of Green brook, and he believed that the water pumped by the company had some relation to the decrease of the supply in Green brook.

He discussed the matter with other owners of rights on the stream, including the late P. M. French, the late Charles Hyde and Mrs. Seely of the paper mill company at Scotch Plains, and it was decided to bring a test suit for damages against the water company. They retained former Senator Charles A. Reed, who instituted the suit.

The contention of the plaintiffs, in part was that while a party has the right to use all the supply of water from sources existing on his property, if he is so disposed, he has no right to divert even the smallest portion of it away from its natural course to the inconvenience of another who may be using the water, or be in position to use it, if the supply were allowed to run uninterupted.

The question was upon the right of a property owner to divert the water from a stream in which it had been accustomed to flow. Water rights, it was admitted, are vested in the land where a stream takes its rise, and if the owner of the land where the stream takes its beginning can use all of the supply for

his purpose, he is entitled to do so even to the extent of depriving his neighbors of it, but the instant he takes even a portion to sell, thus diverting what he does not need for his own use to another purpose, he loses the property right to it.

The claim was made that the Summit Water Company, by drilling wells, had tapped the source of Green brook's supply, and had turned the water over the other side of the water shed, or in the opposite direction from its original course.

Fifteenth Anniversary.

The Junior Young People's Society of Christian Endeavor of the First Baptist Church celebrated its fifteenth anniversary with an entertainment and reception Friday, April 28. The church parlors were filled by the members of the society and their friends. The Rev. Frederick W. Bule, pastor of the church, presided, and the decorations consisted of palms and cut flowers. Annual reports were read by Miss Grace L. Ferguson, the secretary, and Miss Anna M. Harrison, the treasurer, which showed the society to be in a flourishing condition.

An interesting programme was carried out in which the members took part. A cantata was rendered entitled "Fairyland," in which a class of girls took part dressed in white and Nile green. The boys also had a raks drill, which was very interesting, the little ones being attired as farmers and carrying rakes. Miss Fannie May Bennett rendered a piano solo, "The Old Oaken Bucket," with variations. She received much applause. Wilmer Hedges recited and the Rev. Charles A. Cook, the founder of the society, made an address. At the close of the programme all were invited to the dining-room, where refreshments were served. The table decorations were red, white and blue. The membership of the society is forty-two. Miss Anna R. Cadmus is superintendent of the society, and with Miss Juliet G. Maxfield, composed the committee in charge.

Found in the Corner Stone.

The corner stone of the old Library Hall building was removed Monday by the workmen who are tearing down the building. The box placed the corner stone at the time of the formal laying of the stone was opened and contained the following articles: Copies of the Bloomfield Record and Newark Daily Advertiser, a \$1,000 bond of the Confederate States of America, a \$300 Confederate bank note, bronze medal of General Grant, one of 300 cast in Switzerland in 1848, report of school trustees for year 1874, papers showing business done at post-office in 1874 when the late Horace Dodd was postmaster, officers of the Park Methodist Church in 1874 when the Rev. Henry Spillmeyer, now bishop, was pastor, and other articles of minor importance.

The copy of the Record was given to Miss Grace Hulin, daughter of the late Stephen Morris Hulin who was editor of the paper at the time. Mr. Hamblen retained the Grant medal and will present it to Mrs. Corbin, sister of General Grant, while John Sherman, one of the founders of the old Library Association, got most of the other things. The stone was laid on October 24, 1874.

Among the Swiss.

"Picturesque Switzerland" will be the subject of an illustrated lecture by Charles F. Kocher in the Park M. E. Church, Monday evening, May 8, under the auspices of the Epworth League Society of the church. The pictures that will be shown were taken by Mr. Kocher while touring in Switzerland. Those who had the pleasure of attending Mr. Kocher's illustrated tour of Germany and the Rhine in Berkeley School hall last week speak in terms of praise of the excellence of the views shown on that occasion and the interesting verbal description accompanying the pictures.

New Industry.

Work is now in progress at the Bloomfield plant of the American Brake Shoe Company fitting up that place for a malleable iron foundry. It will be at least three months before the foundry is in operation. The new industry, it is said, will be conducted on a larger scale and employ more men than were employed in the brake shoe foundry.

Church Election.

At the annual parish meeting of the First Presbyterian Church the following trustees were elected: Charles A. Hungerford and George R. Ewan. The board organized as follows: Frederick M. Davis, president; Frederick J. Ogden, treasurer; Thomas D. Anderson, secretary.

Park M. E. Church.

At the Park M. E. Church to-morrow morning the Sacrament of the Lord's Supper will be administered and members will be received. In the evening the pastor, Dr. G. S. Woodruff, will preach on "The Unpardonable Sin: What is it and do men now commit it?"

BLOOMFIELD, N. J., SATURDAY, MAY 6, 1905

PRICE FIVE CENTS.

TO MAKE AUTOMOBILES.

An Automobile Factory to be Established in Bloomfield at an Early Date.

The writer a few days ago had the pleasure of an extended interview with Mr. Viggo V. Torbensen, and was pleased to get from him particulars of the company which is soon to begin the manufacture of motor cars in this town. The company, which bears the name of the "Torbensen Motor Car Company," is the outcome of and successor to the Torbensen Gear Co., Incorporated, which was established four years ago for the purpose of developing certain inventions of Mr. Torbensen pertaining to automobile motors and driving gears, and incidentally to manufacture several automobile specialties of his designing. The success of this venture was immediate and rapid. Mr. Torbensen's reputation as one of the pioneers in this field, his early connection in an engineering capacity with several of the most prominent concerns in that line, but most of all, the unquestionable merit of his productions, soon made the specialties bearing his trade mark the standard of their kind, and they are to-day used by all first-class manufacturers and dealers throughout the length and breadth of this country. The business thus begun in a modest way four years ago has kept pace with the automobile industry in general. It became very profitable, and the records show an increase in volume of trade for the first quarter of the present year of 500 per cent, over that of the same period of last season. In order to do justice to the automobile end of their business it became necessary to incorporate a separate and larger company.

At the close of the programme all were invited to the dining-room, where refreshments were served. The table decorations were red, white and blue. The membership of the society is forty-two. Miss Anna R. Cadmus is superintendent of the society, and with Miss Juliet G. Maxfield, composed the committee in charge.

That this company possesses and controls improvements in motors and motor-car mechanism which make their car the peer of any, they have proven on many different occasions in the past two years, but their improved motors and gears have particular advantages when applied to commercial vehicles, automobile trucks for the transportation of passengers, merchandise, etc., and it is accepted as a fact—and it is hardly disputed any more nowadays—that mechanical traction will some time practically supersede horse traction, one ceases to speculate on the automobile industry as a fad, destined to go the way of the bicycle industry, especially when it is remembered that nearly one-half of the wealth of the United States is invested in horses, carriages, trucks and other rolling stock.

The company does not propose, however, to enter new or untried fields rashly; its affairs will be managed conservatively by men who thoroughly know their business. They are now looking to purchase a site on which to locate a factory, and they have several in view. A business of this nature cannot help but be a great benefit to this town. In the first place, it will employ highly skilled and well-paid labor, and it may easily become one of the most important industries in this locality. In the next place it will, of necessity, be the means of bringing many visitors, prospective purchasers of motor cars, men of means, to the factory. A ride through this beautiful town will not be lost on them, and it will undoubtedly be a better advertisement, and bring more home-seekers out to locate here, and thus enhance the value of real estate, than anything else could do.

W. S. Pieron Post, G. A. R., asked for an appropriation of \$50, and Bloomfield Battery for \$15, toward expense of celebrating Decoration Day. Both sums were granted.

The Board of Health, through Town Attorney Halfpenny, asked that the police be instructed to report to that body the finding of dead animals on streets or vacant lots. The matter was referred to the police committee.

The Mayor announced the following standing committees to serve until January 1, 1907: Auditing, Murray and Chabot; finance, printing and supplies, Farrand and Green; fire, Chabot and Green; legal and franchise, Harrison and Chabot; lighting, Green and Murray; maps and survey, Chabot and Harrison; poor, Murray and Chabot; police, Chabot and Harrison; public grounds, Hepburn and Murray; roads and gutters, Hepburn and Farrand; sidewalks and crosswalks, Green and Hepburn; sewers, Farrand and Chabot; water, Harrison and Farrand.

On motion of Counsellor Chabot, the Council adjourned to meet on Monday evening, May 8, when it is expected the question of water supply will be taken up.

Young Men's Republican Club.

The members of the Young Men's Republican Club are sparing no effort to make their initial entertainment and smoker, to be held in Central Hall on Friday evening, May 12th, one that will dwell long in the minds of those that gift it their patronage. They have been unusually successful in securing a fine array of talent that has never before graced a Bloomfield stage, and you all know what a rare thing that is. From the advance sale of tickets the affair promises to be a success from every point of view. Tickets may be secured from any of the members of the club.

TOWN COUNCIL.

Mayor Fisher Presented with a Gold Pen by His Colleagues—Bids for Public Work Received and Contracts Awarded—Council Adjourns to Meet Monday Night.

Before the members of Town Council proceeded with the regular business at a meeting of that body Monday night, Counsellor Green acted as spokesman in a matter not previously referred to any sub-committee. The recent State Legislature, Mr. Green said, had been subjected to severe criticism for some work it had done and for some that it had left undone, but in so far as Bloomfield was concerned "some of us," he said, think that the legislators acted kindly towards Bloomfield, and one of the legislative acts favoring this town was the bill creating the office of Mayor, and which official title is now applied to the preceding officer of the Council, George Fisher. Mr. Green, addressing Mr. Fisher by the new title of Mayor, presented the latter with a fine gold pen with which to sign the first act approved by him as Mayor of this town. The gift was from Counsellor Hepburn, Murray, Farrand, Harrison and Green.

Mr. Fisher was so taken by surprise that he could only return a brief expression of thanks.

Owing to the absence of Messrs. Murray and Farrand no action was taken on the water contract Monday night, and the Water Committee made no report.

The contract for supplying broken stone for the repair of roads was awarded to the Osborne & Marcellis Company of Upper Montclair. The contract for opening, widening and laying out of Weaver avenue was awarded to Martin J. Callahan, as was also the making of house sewer connections.

An application for a sewer in James street, from Broad street east to Spring street, a distance of 1,100 feet, signed by the requisite number of property owners and accompanied by a check for \$100, was read by the clerk, and on motion he was instructed to advertise for objections.

Town Treasurer Harry L. Osborne submitted his monthly report, which showed a balance of over \$11,000.

Chief Engineer James Y. Nicoll presented his report, which was ordered printed.

Chief of Police Collins reported thirteen arrests and \$40 in fines collected for the month.

The bond of Collector Frank Foster for \$25,000 was approved.

An ordinance authorizing the grading, widening, straightening and opening of Myrtle avenue, from where the macadam now ends north to Watchung avenue, was read a third time and passed. The clerk was authorized to advertise for bids for the above.

The clerk reported that no written objections had been filed against the work done on the sewer recently laid in Belleville avenue, and on motion, the Council ordered the matter referred to the Board of Assessors to make the assessment.

The Mayor said that several complaints had been made to him of the bad condition of Belleville avenue, where the sewer was laid, and he requested the sewer committee to hold back a sufficient sum to put the street in order, should the contractor fail to do so.

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Birthday Party.

Mrs. Louise Bender of 14 Berkeley avenue entertained Thursday night in honor of her nephew William Spaeth, who has just attained his twenty-first birthday. Mr. Spaeth was presented with several useful gifts by his fellow-members of the L. O. Strollers of Newark, who with their friends, attended in a body. Singing, dancing and prize games were indulged in until midnight when supper was served by Mrs. Bender, who was assisted by Mrs. Joseph Charles and Louise Bender. Prizes were awarded to Mrs. Emil Ill, Claude Hunter, Wm. E. Burtschel and Miss Anna Bode. Others present were Misses Josephine Riker, Grace Lowenthal, Lena Gardner, Elizabeth Harding, Mamie Fields, Marie Vogel, Otto Lauck, John Morris, Louis Hoffman, Harry Spaeth, Jr., James Wilson, Gustave A. Hartman, Charles Bender, Claude Hunter and Joseph Wolf.

Watseassing M. E. Church.

The programme of services at the Watseassing M. E. Church to-morrow will be as follows: The Rev. S. Trevena Jackson will preach at both morning and evening service. A devotional service will be held at half-past nine o'clock. At the half-past ten service the pastor's subject will be "Sacred Message: The Divine Legacy." The choir will sing an anthem, "There is a green hill far away." The Sunday-school will meet at half-past two and the Epworth League at a quarter to seven.

In the evening the pastor will begin a special series of sermons to young people. The subject will be "From the Palace to the Gallows." The choir will sing an anthem and a male quartette will sing "Though your sins be scarlet."

Lyceum Notes.

At the meeting of the Lyceum held on Monday evening a dramatic club was organized. Meetings will be held at short intervals, at which eight dramatic and literary exercises will be the features. Membership will be confined to the Lyceum and Young Ladies' Auxiliary.

In the future on Wednesday evenings the club house will be in charge of the married and older members who will meet on that evening to indulge in basket-ball, indoor base-ball, shuffle-board, pool, cards, etc.

There will be a meeting of the Silver Jubilee Committee on Sunday afternoon at 3 o'clock.

On Tuesday evening the members and friends of the Lyceum will journey to Orange Valley to return the visit of the Lyceum of that place. Special cars will leave the centre at 8 p. m. It is expected that 300 will take the trip.

Board of Trade.

The annual banquet of the Bloomfield Board of Trade was held in the banquet hall of the Union Club, Clinton street, Newark, Thursday night. Nearly one hundred members of the board occupied seats around the banquet table and enjoyed the festivities of the evening. William F. Sutphen, president of the board, presided, and addresses were made by Dr. Franklin Wells and Ernest L. Orndall. John Dillon and Mr. Wiegand furnished vocal music. The menu was as follows:

Littles Neck Clams
Oysters
Salad
Almonds
Chicken à la Reine
Baked Shad à la Maitre d' Hotel
Cucumbers
Chicken Patties à la Droux
French Peas
Roast Squab, Stuffed, Water Cress
Mixed Salad
Ice Cream
Fruit
Garnett
Cigarettes
Toasted Crackers

Board of Education.

The Board of Education has decided to ask the Board of Estimate for an appropriation of \$41,000 for the maintenance of the schools during the coming year. This is an increase of \$3,500 over last year. The contract for supplying the schools with 700 tons of coal was awarded to John J. Murray, at the rate of \$5.13 per ton for immediate delivery and \$5.58 for coal to be delivered during the winter. Four hundred tons will be put in at once. Teachers, in addition to those named last week, were appointed as follows: E. C. Wadleigh, Bessie Morrow, Ella Baur, Ethelene Wood, Caroline V. Harned and Sarah A. Huston. The Board of Estimate will meet May 16.

Lewis and Clark Exposition.

The Lewis and Clark Exposition at Portland, Oregon, will open June 1. The railroads have agreed upon one fare for the round trip from all eastern points to Portland, during the Lewis and Clark Exposition. This is the cheapest first-class transportation ever offered from the East, and it will afford opportunities for seeing the Pacific Coast country which may not be repeated in many years.

Seed potatoes and fertilizers at Frontenac Bros.—advt.